

From: Bowman, Randal
To: [Domenech, Douglas](#)
Subject: Re: From ASG Attorney General
Date: Wednesday, September 06, 2017 11:33:36 AM
Attachments: [Am Samoa Commercial Fishing re monuments v2.docx](#)

If it's not too late, here is a slightly revised version of the briefing paper with a few typos corrected, clarifying words added and unneeded words removed. Nothing significant is changed, but it reads better.

Also, as a reminder, (b) (5) DPP



On Tue, Sep 5, 2017 at 5:30 PM, Domenech, Douglas <douglas_domenech@ios.doi.gov> wrote:

got it

Doug Domenech
Senior Advisor
US Department of the Interior

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*

On Tue, Sep 5, 2017 at 5:11 PM, Bowman, Randal <randal_bowman@ios.doi.gov> wrote:

The rewrite was the attachment - based on something I had done previously.

On Tue, Sep 5, 2017 at 4:01 PM, Domenech, Douglas <douglas_domenech@ios.doi.gov> wrote:

Sorry are you rewriting this or am I supposed to?

Doug Domenech
Senior Advisor
US Department of the Interior

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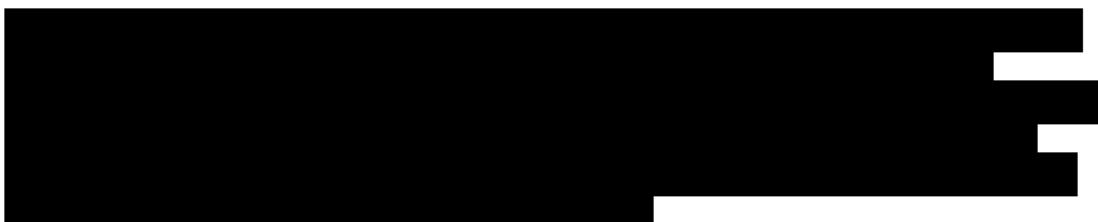
On Tue, Sep 5, 2017 at 3:50 PM, Bowman, Randal <randal_bowman@ios.doi.gov> wrote:

Here is the email I referenced in our conversation - briefing material based on this is attached.

----- Forwarded message -----

From: Bowman, Randal <randal_bowman@ios.doi.gov>
Date: Tue, Aug 22, 2017 at 10:07 PM
Subject: Fwd: From ASG Attorney General
To: Downey Magallanes <downey_magallanes@ios.doi.gov>
Cc: Douglas Domenech <douglas_domenech@ios.doi.gov>

The outcome from the talks with the Governor and Att Gen of American Samoa, in which I did not participate, seem to have generated a set of requests (b) (5) DPP



----- Forwarded message -----

From: **Domenech, Douglas** <douglas_domenech@ios.doi.gov>
Date: Tue, Aug 22, 2017 at 7:15 PM
Subject: Fwd: From ASG Attorney General
To: Randal Bowman <randal_bowman@ios.doi.gov>

Doug Domenech
Senior Advisor
US Department of the Interior

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*

----- Forwarded message -----

From: **McDermott, Joseph** <joseph_mcdermott@ios.doi.gov>
Date: Tue, Aug 22, 2017 at 6:57 PM
Subject: From ASG Attorney General
To: Douglas Domenech <douglas_domenech@ios.doi.gov>
Cc: Nikolao Pula <nikolao_pula@ios.doi.gov>

- To remove Rose Atoll from Federal monument status and to return it to the American Samoa Government, which will be responsible for the atoll's preservation.
- To allow U.S. Pacific fishermen and boats to fish within the waters of what are now the Federal monuments in the Pacific.

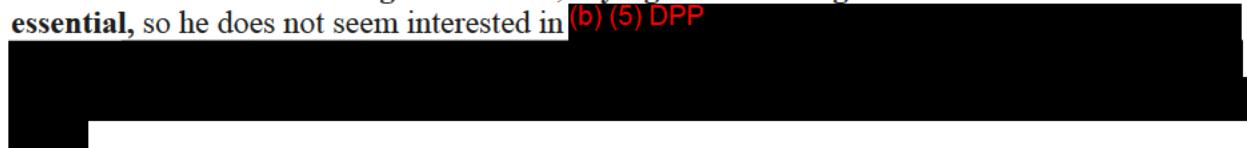
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Joseph H. McDermott
Policy Division
Office of Insular Affairs
Main Interior Building, Mail Stop 2429
Washington, D.C. 20240
Telephone: (202) 219-0037
Fax: (202) 219-1989
E-mail: joseph_mcdermott@ios.doi.gov

American Samoa – Rose Atoll Monument waters

Commercial fishing is prohibited but **non-commercial fishing is allowed within Rose Atoll Marine National Monument**, with a fishing permit, in the area from 12 to approximately 50 nautical miles. **To date, no permits have been issued.** The Rose Atoll refuge has no marine waters, and so the existence of this refuge does not have an impact on commercial fishing.

Prior to the designation of the Monument in 2009, large fishing vessels were prohibited from roughly the same area under a **2002 NMFS rule establishing a "Large Vessel Prohibited Area" (LVPA).** This rule originated with the Western Pacific Fishery Management Council (WESPAC). Within the LVPA, only vessels under 50 feet could fish. The area of the LVPA (which includes the area now designated as a monument) **was a very important part of the large vessel fleets fishing grounds**, but the restriction on large vessel fishing was placed on this area to help smaller commercial vessels. **Subsequently, the small-vessel fleet (called "alia" fishing vessels) has declined to just 1 active boat and the need for the entire LVPA has diminished.** WESPAC/NMFS issued regulations to reduce the LVPA area adjacent to but outside of the monument in 2015 to a distance of 12 nm offshore. The NMFS action was vacated by a Judge's order in 2017 in a suit brought by the American Samoa government. The Western Pacific Fisheries Management Council is again considering the need for the LVPA and taking action to reduce the burden of the LVPA on the large vessel fleet.

The Governor sent a message to Nik Pila, saying that the Large Vessel Exclusion Area is essential, so he does not seem interested in (b) (5) DPP



Samoan Tuna vessels fishing in PRIA Monument waters

Under the Jones Act, only US-build vessels can fish in the US EEZ at the PRIs (Howland, Baker, Jarvis, and Wake Islands, Johnston and Palmyra Atolls and Kingman Reef). There is no statutory authority for an exception. Currently there are 40 large longline fishing permits with **15 large longliners based in American Samoa. Most of them are US-built and would qualify for Jones Act access to fish in US waters.** There are currently **35 US flagged purse seiners** based in American Samoa, and **9 of these are US-built** and so could fish in PRIA waters if opened.

Historically, there has been little commercial fishing in the southern PRIs by the Samoa-based vessels. In 1997, 25% of their catch came from areas off Howland, Baker and Jarvis Islands, but between then and establishment of the Monument in 2009 the catch was minimal. Their representative said they would like to have the option to fish there open to them, particularly since they may need to target tuna species other than albacore in order to make a living in the future.